

Customer No.: 31561  
Application No.: 10/604,613  
Docket No.: 11039-US-PA

REMARKS

Present Status of the Application

Claims 1-19 remain pending, of which Claims 1-12 have been canceled, Claim 13 has been amended to correct a typographical error. It is believed that no new matter adds by way of amendments to claims or specification or otherwise to the application.

In the outstanding Office Action, the Examiner objected to the title of the invention for not being descriptive, and therefore a new title is required that is clearly indicative of the invention to which the claims are directed; objected to Claims 13 and 14 because the phrase "a silicon oxide/silicon nitride/silicon oxide layer" is unclear as to whether it is being referred to the silicon oxide/silicon nitride/silicon oxide composite layer or the silicon oxide layer, silicon nitride layer and silicon oxide layer; rejected claims 13-19 under 35 U.S.C. 102(a) as being anticipated by Lee et al. (US-2003/0042531, hereinafter Lee).

For at least the following reasons, Applicant respectfully submits that claims 13-19 are in proper condition for allowance. Reconsideration is respectfully requested.

Customer No.: 31561  
Application No.: 10/604,613  
Docket No.: 11039-US-PA

Discussion of the Priority Claim

*The Office Action stated that acknowledgement is made of Applicant's claim for foreign priority based on an application filed in Taiwan on 05/14/2003. It is noted, however, that Applicant has not filed a certified copy of the Taiwan application as required by 35 U.S.C. 119(b).*

Applicants respectfully direct the attention of the Examiner to the Application Data Sheet where the Applicants clearly states that the Applicants do not intent to claim the priority over the Taiwan application number S2113048 filed on 05/14/2003, a copy of which is provided as a separate accompany sheet. Reconsideration is respectfully requested.

Discussion of the objection to Title of the Invention

*The Office Action objected to the Title of the invention for not being descriptive, and therefore a new title is required that is clearly indicative of the invention to which the claims are directed.*

In response thereto, Applicants would like to thank the Examiner for pointing out the informality and according amended the Title of the invention as above. Reconsideration is respectfully requested.

Discussion of the claim rejection under 35 USC §12, 2<sup>nd</sup> paragraph

*The Office Action objected to Claims 13 and 14 because the phrase "a silicon oxide/silicon nitride/silicon oxide layer" is unclear as to whether it is being referred to*

Customer No.: 31561  
Application No.: 10/604,613  
Docket No.: 11039-US-PA

*the silicon oxide/silicon nitride/silicon oxide composite layer or the silicon oxide layer, silicon nitride layer and silicon oxide layer.*

In response thereto, Applicants would like to thank the Examiner for pointing out the informality and according amended Claim 13. After entry of the amendment to Claim 13, it is believed that the above rejection can be overcome. Reconsideration is respectfully requested.

**Discussion of the claim rejection under 35 USC 102**

The Office Action rejected Claims 13-19 under 35 U.S.C. 102(a) as being anticipated by Lee et al. (US-2003/0042531, hereinafter Lee).

Applicants respectfully disagree and would like to point out that rejections under 35 U.S.C. 102 requires that each and every elements of the claim(s) must be disclosed exactly by a single prior art reference.

Applicants respectfully submit that Lee cannot anticipate independent Claims 13 and 15 because Lee substantially fails to teach or disclose each and every feature of the claimed invention. More specifically, Lee substantially fails to teach or disclose a multi-level memory cell comprising at least [a first control gate and a second control gate disposed respectively on sidewalls of the semiconductive stripe] as required by the proposed independent claims 13 and 15, instead Lee substantially discloses, in FIG. 6d, page 3, paragraph [0094], that a control electrode (36) is formed on the silicon nitride film (40). In other words, Lee substantially discloses a single gate electrode (36) that extends over both sidewalls and top of fin active area (26). Therefore, the transistor will

Customer No.: 31561  
Application No.: 10/604,613  
Docket No.: 11039-US-PA

be programmed or erased simultaneously, thus the memory cell of Lee cannot possibly be a multi-level memory cell. Accordingly, it is clear that Lee substantially fails to teach or disclose a multi-level memory cell comprising at least a first control gate and a second control gate disposed respectively on sidewalls of the semiconductive stripe as required by the proposed independent claims 13 and 15.

Furthermore, Applicants would like to point out that nowhere in Lee there is any disclosure describing the first control gate 36A and the second control gate 36B as indicated by the Examiner. Accordingly, the interpretation of Lee showing the first and second control gates 36A and 36B as indicated by the Examiner is due to an error.

Thus, Lee fails to teach, disclose or suggest each and every feature of Claims 13 and 15, and therefore Lee cannot possibly anticipate Claims 13 and 15 in this regard.

Claims 14 and 16-19, which directly depend from independent Claim 13 are also patentable over Lee at least because of their dependency from an allowable base claim. Reconsideration is respectfully requested.

For at least the foregoing reasons, Applicant respectfully submits that claims 13-19 are in proper condition for allowance. Reconsideration is respectfully requested.

Customer No.: 31561  
Application No.: 10/604,613  
Docket No.: 11039-US-PA

### CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims 13-19 are in proper condition for allowance. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

Date :

August 17, 2004

Belinda Lee

Belinda Lee

Registration No.: 46,863

Jianq Chyun Intellectual Property Office  
7<sup>th</sup> Floor-1, No. 100  
Roosevelt Road, Section 2  
Taipei, 100  
Taiwan  
Tel: 011-886-2-2369-2800  
Fax: 011-886-2-2369-7233  
Email: belinda@jcipgroup.com.tw ;usa@jcipgroup.com.tw